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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,384

10/19/2005

Kazuhiko Ueda

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03/27/2008

MARK D. SARALINO (GENERAL)

RENNER, OTTO, BOISSELLE & SKLAR, LLP

1621 EUCLID AVENUE, NINETEENTH FLOOR

CLEVELAND, OH 44115-2191

EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/553,384	Applicant(s) UEDA, KAZUHIKO	
	Examiner Tran Nguyen	Art Unit 2834	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-8.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Tran Nguyen/
 Primary Examiner
 Art Unit: 2834

Continuation of 3. NOTE:

The applicant asserts that "the opening 400 in Chang corresponds to the "open ends" of the blocks 22a. The opening 400 is consistent with the open ends of the outer yoke blocks 4a and 4b. Chang does not teach or suggest a gap provided between the first and second outer yoke block 4a and 4b consistent with the meaning of the terminology in the present application", and further asserts that "'gap" is used in the present application, the gap is the narrow (e.g., 0.1 mm) gap between the first and second outer yoke blocks 4a and 4b which avoids the problem of chatter. (See, e.g., Spec., p. 10, ln. 23 - p. 11, ln. 8). On the other hand, the opening between the first and second outer yoke blocks is represented by the "open ends of [the] outer yoke blocks 4a and 4b opposed to each other"

.In response to these arguments, the applicant's attention is drawn to the claimed language itself, particularly the phrase reciting "wherein said first and second clamping members are coupled together with a gap provided between said first and second outer yoke blocks". Chang ref does show the first and second outer yoke blocks (i.e., the upper outer block yoke 22a and the lower outer yoke block 22a) provided with gap (400 edited ref number), or so-called opening, between the first and second outer blocks.

As for the terminology, a "gap" is understood as an empty spacing between two objects; thus, Chang does show that the first and second outer yoke blocks (upper 22a, lower 22a) with an empty spacing gap (400) therebetween. The Applicant asserts that such feature in Chang is an "open ends" instead of a "gap", such argument is found not persuasive because Chang's Figures 2-3 do show an empty spacing gap between the two outer yoke blocks, whether the gap is at open ends or not is irrelevant because the claimed language does not specifically recites the location of the gap with respect to a particular area of the outer yoke blocks. Furthermore, notice that the claimed language does not specifically recite the dimension of the gap being 0.1mm, upon which applicant relies in his argument is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Thus, the applicant's argument is not persuasive, the Final Rejection is maintained.

/Tran Nguyen/

Primary Examiner - AU 2834